

The Impact of Implementation of CPL Article 245 in New York

Analysis of the Discovery Reform Survey Results

16 Survey Questions

- 5 Demographics questions
- 10 Close-ended questions
- 1 Open-ended question

CDANY, NYSACDL, and NYSDA

- February 25 – March 13, 2022
- Public Defender, Conflict Defender and Legal Aid
- Assigned Counsel Program
- Privately Retained Attorneys

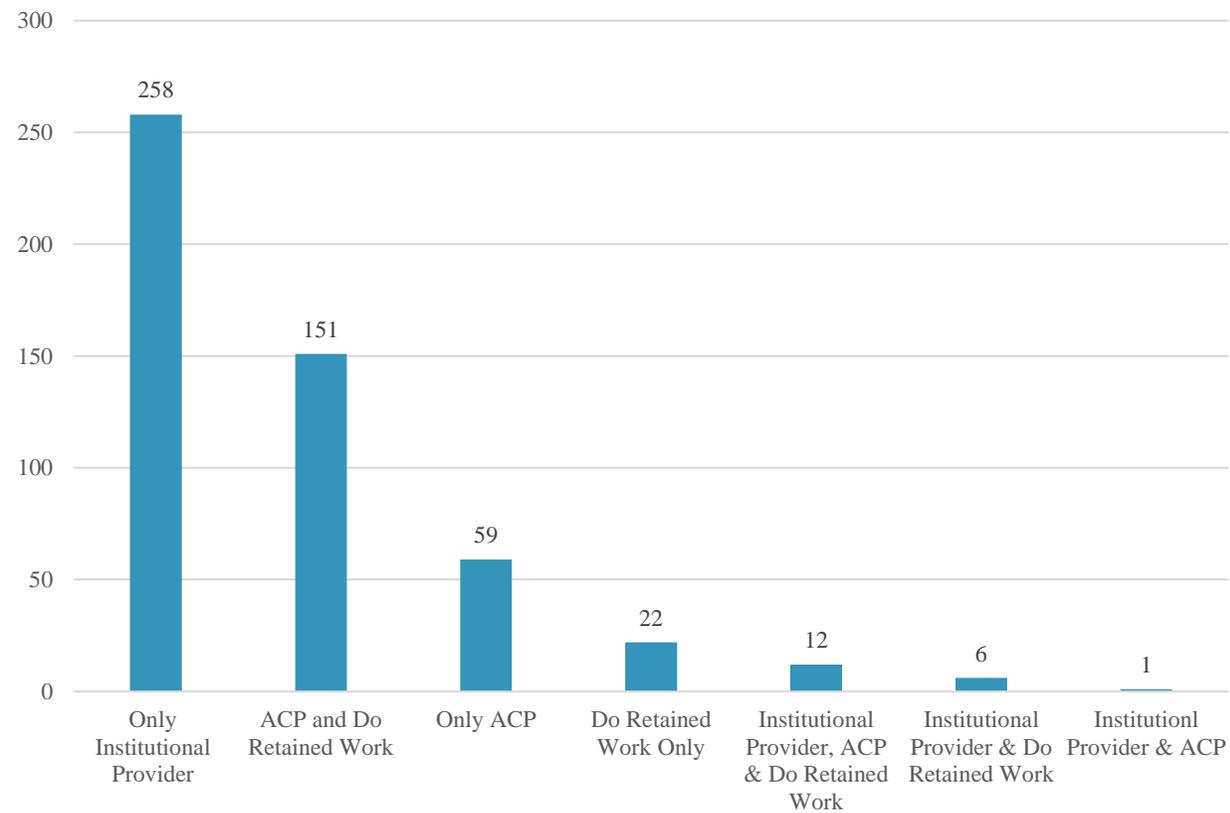
Survey Participants

- 563 Criminal Defense Attorneys
- 509 Completed the survey
- 54 Incomplete survey responses

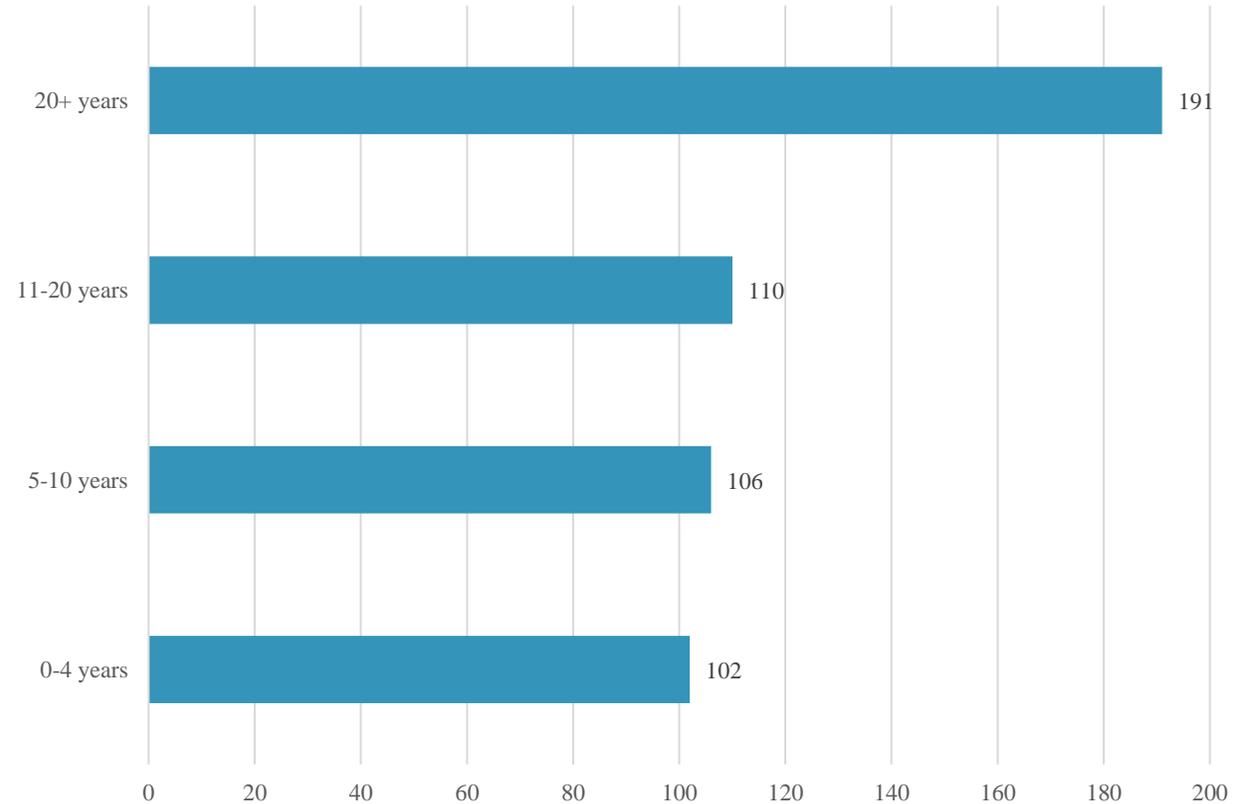
The Survey Method

Overview of Demographic Information

Employment Affiliation of Survey Respondents

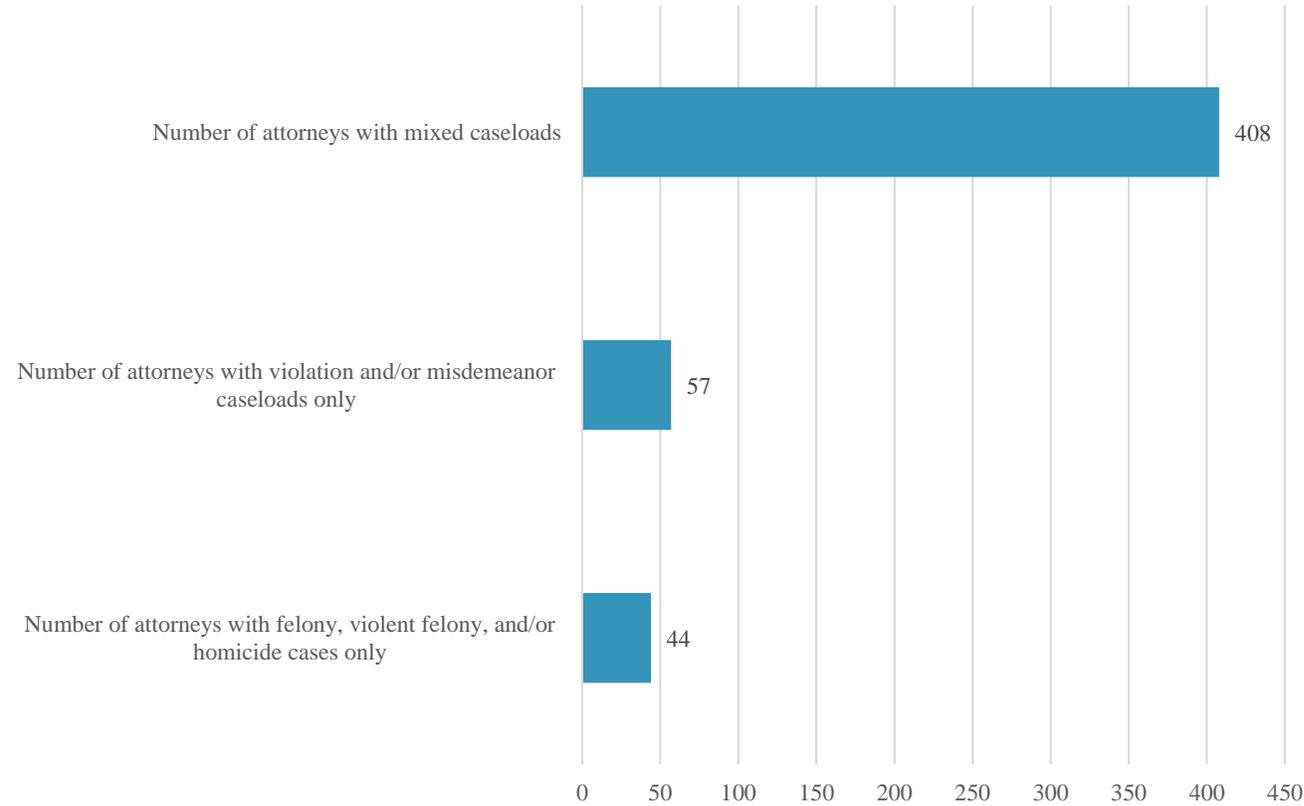


Criminal Defense Representation Experience

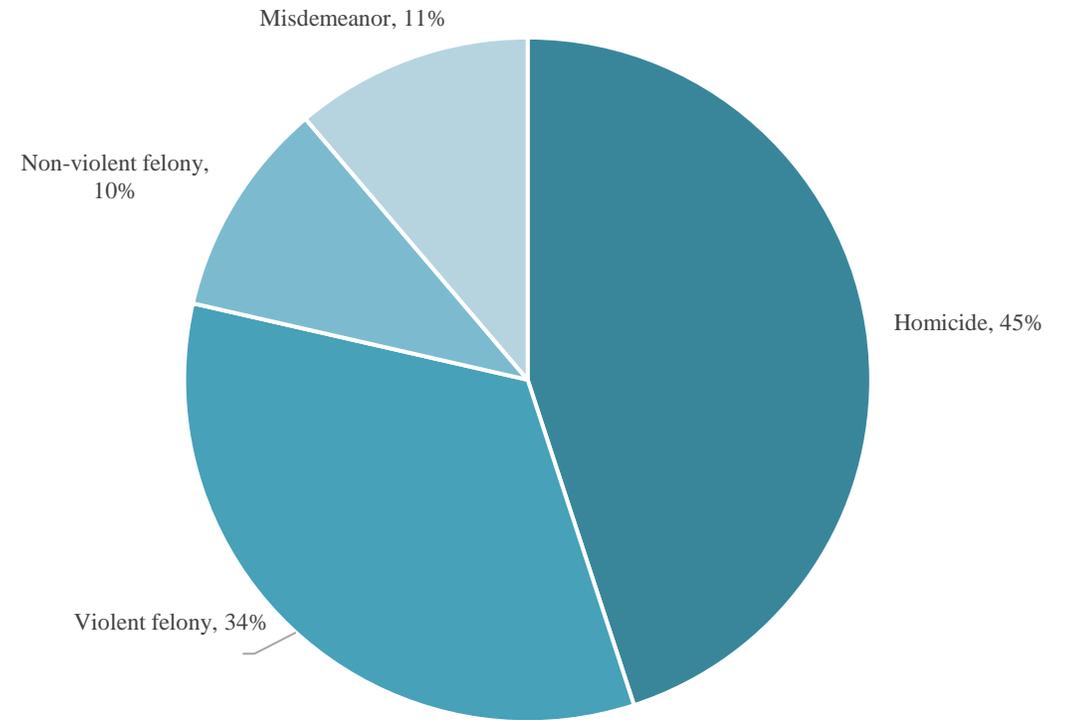


Overview of Demographic Information

Respondents' Criminal Defense Work by Case Type



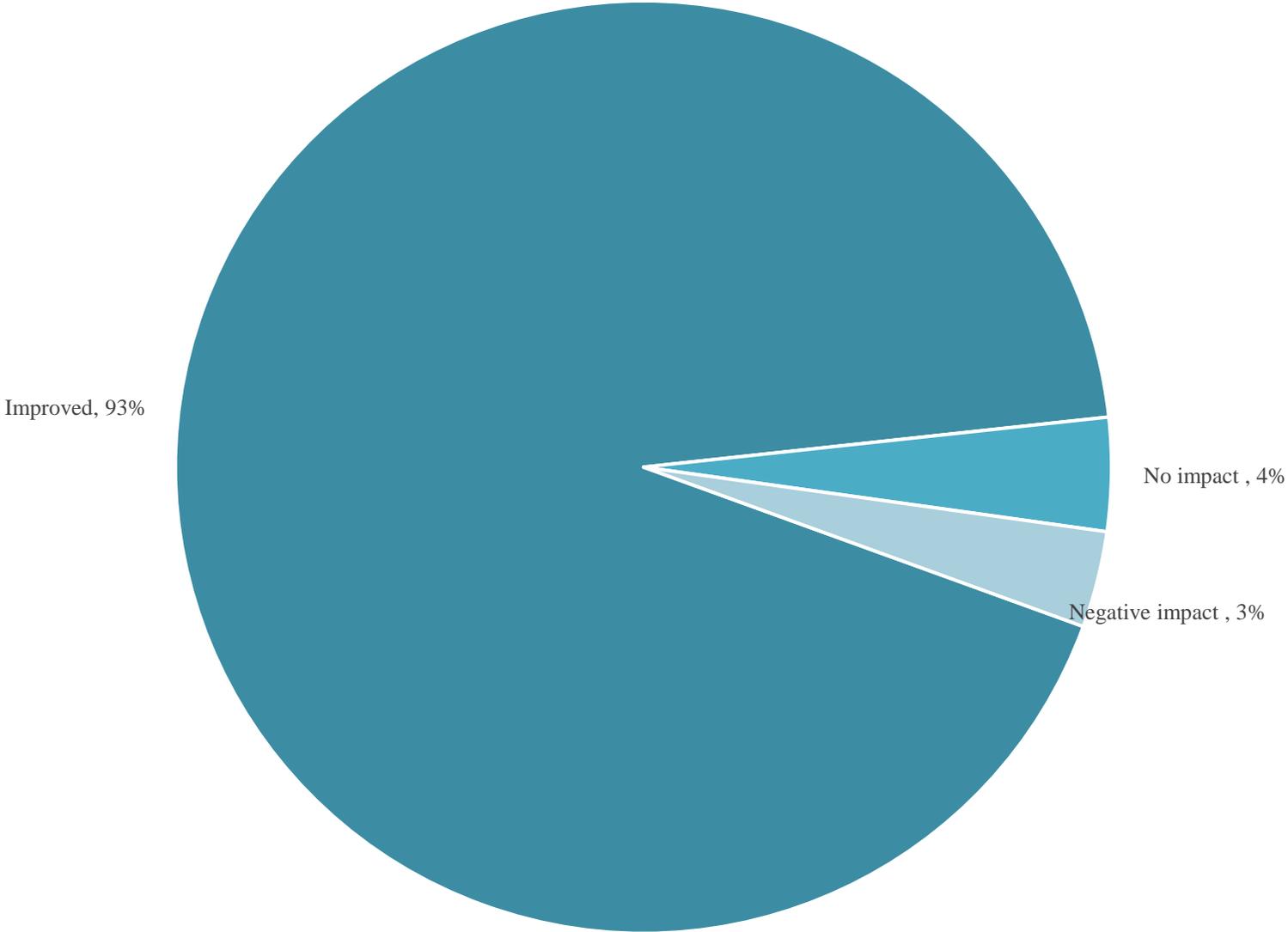
Respondents' Criminal Defense Representation by Top Charge



Analysis of Survey Responses (Questions 6-15)

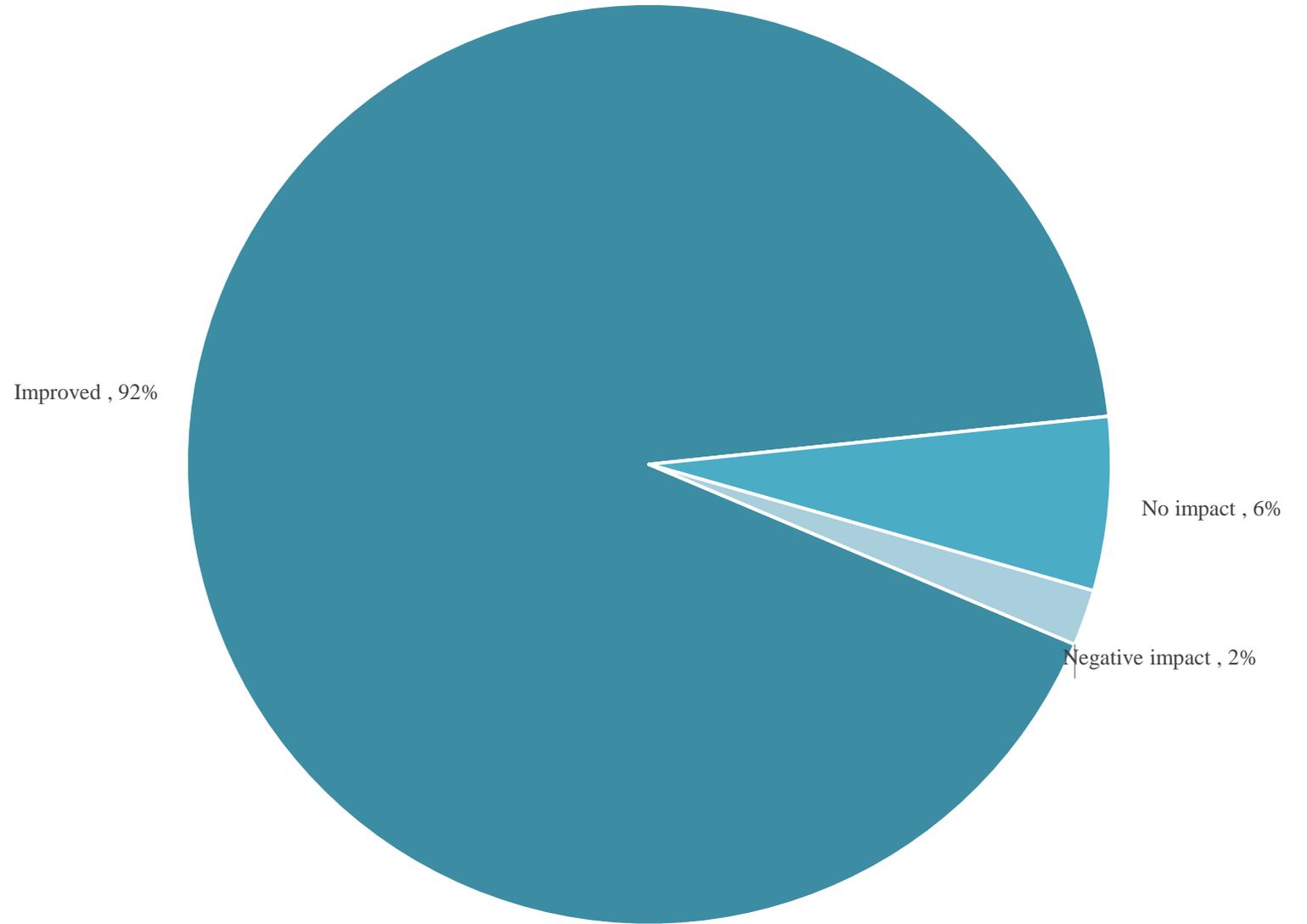
The Impact of Implementation of CPL Article 245
Ability to Evaluate Cases and Develop Case Strategies

Q6: Has the implementation of CPL Article 245 impacted your ability to evaluate your cases and develop case strategies?



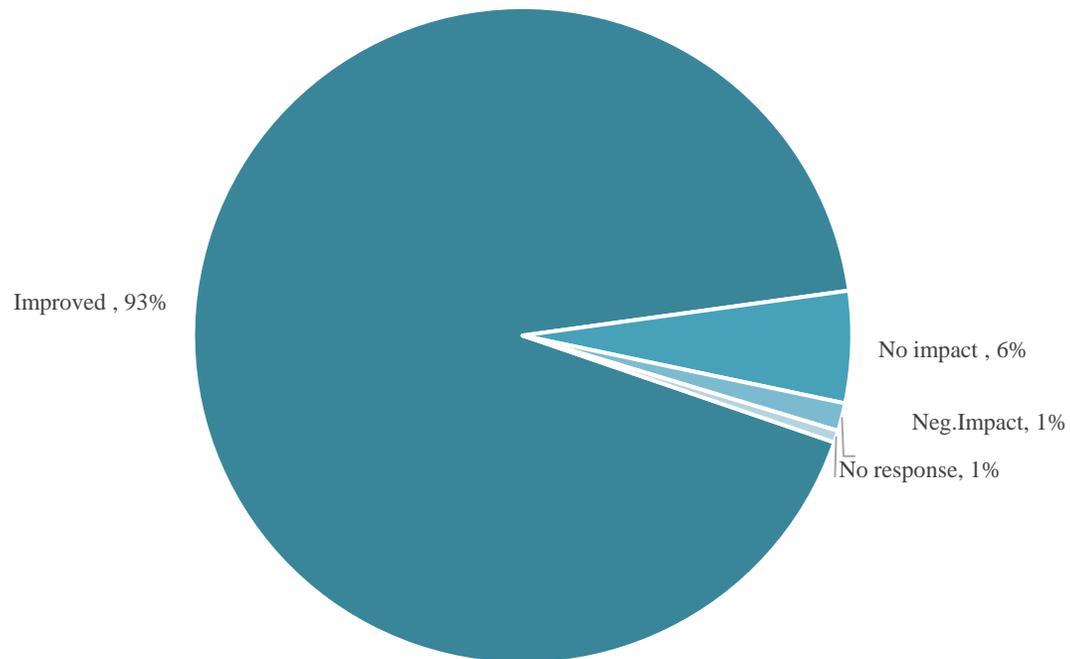
The Impact of Implementation of CPL Article 245 Ability to Investigate Cases

Q7: Has the implementation of CPL Article 245 impacted your ability to investigate your cases?



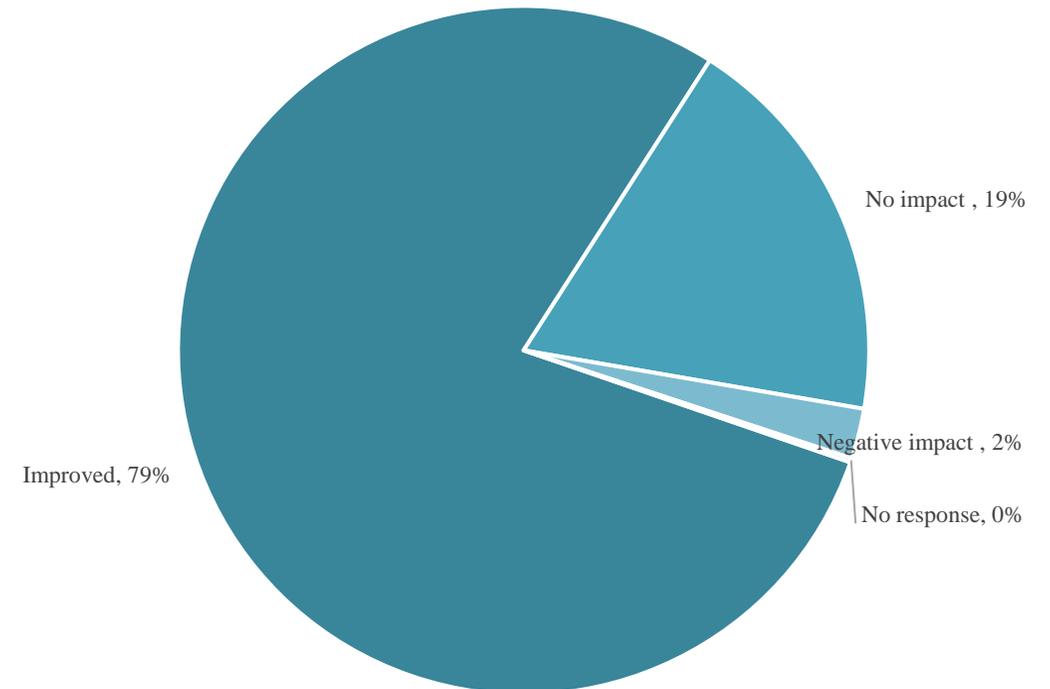
Q8: Has the implementation of CPL Article 245 impacted your ability to advise your clients about the charges, the case against them, and whether to accept a plea offer?

The Impact of Implementation of CPL Article 245
Ability to Advise Clients about the Charges, the Case Against them, and whether to Accept a Plea Offer



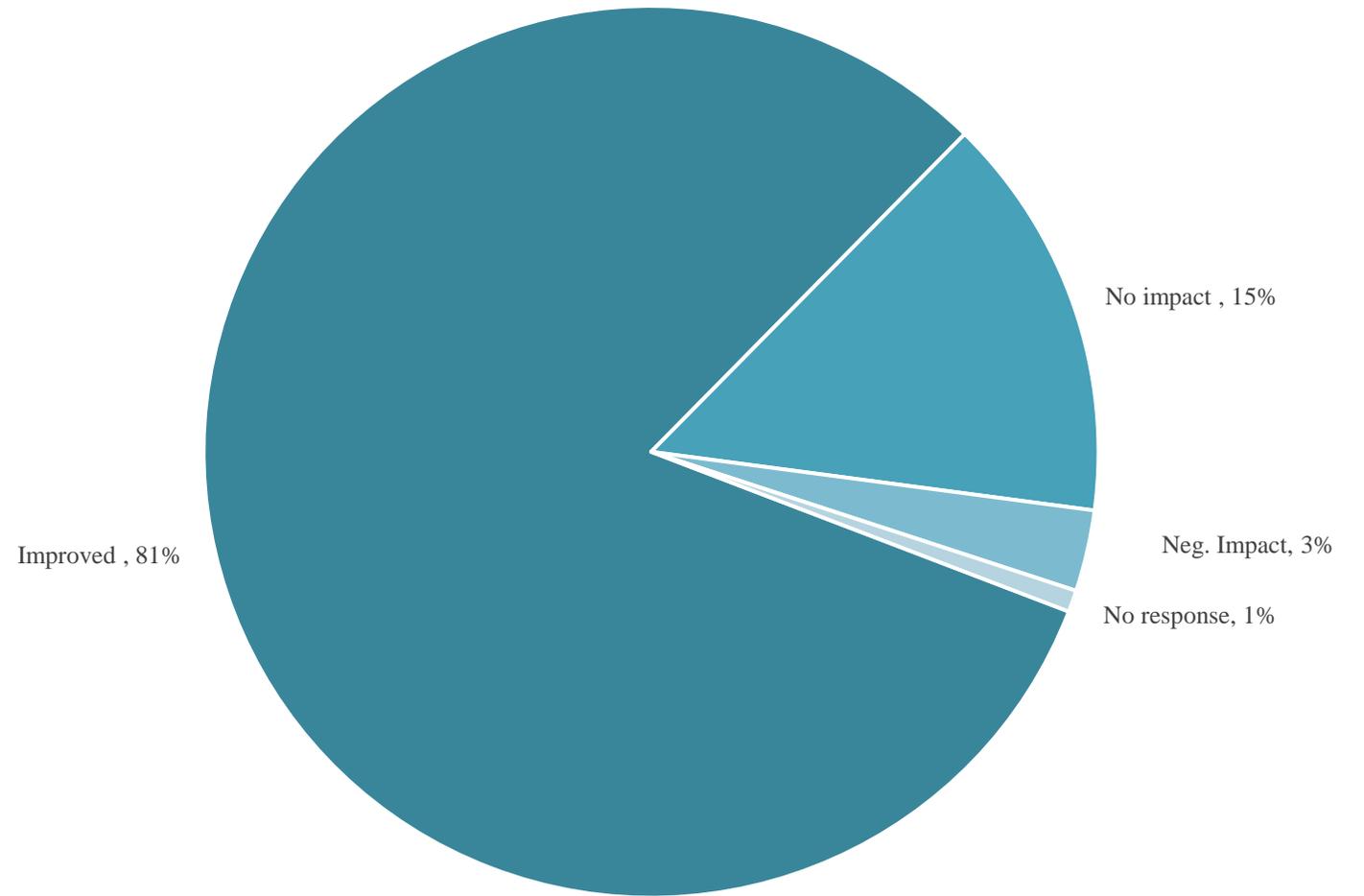
Q12: Has the implementation of CPL Article 245 impacted your ability to communicate effectively with your clients?

The Impact of Implementation of CPL Article 245
Ability to Communicate Effectively with Clients



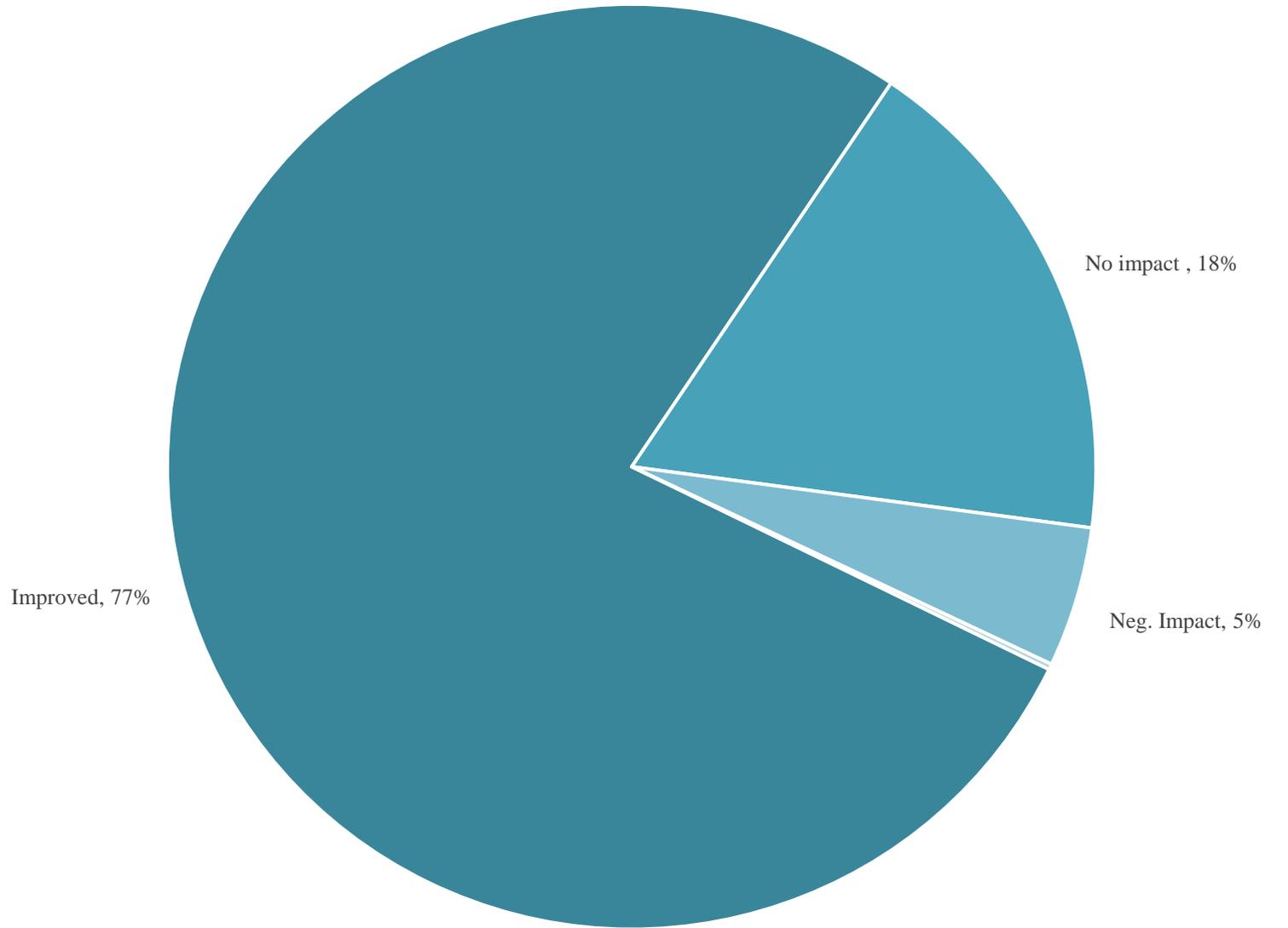
Q9: Has implementation of CPL Article 245 impacted your ability to negotiate with the prosecution for agreed upon dispositions in your cases?

The Impact of Implementation of CPL Article 245
Ability to Negotiate with the Prosecution



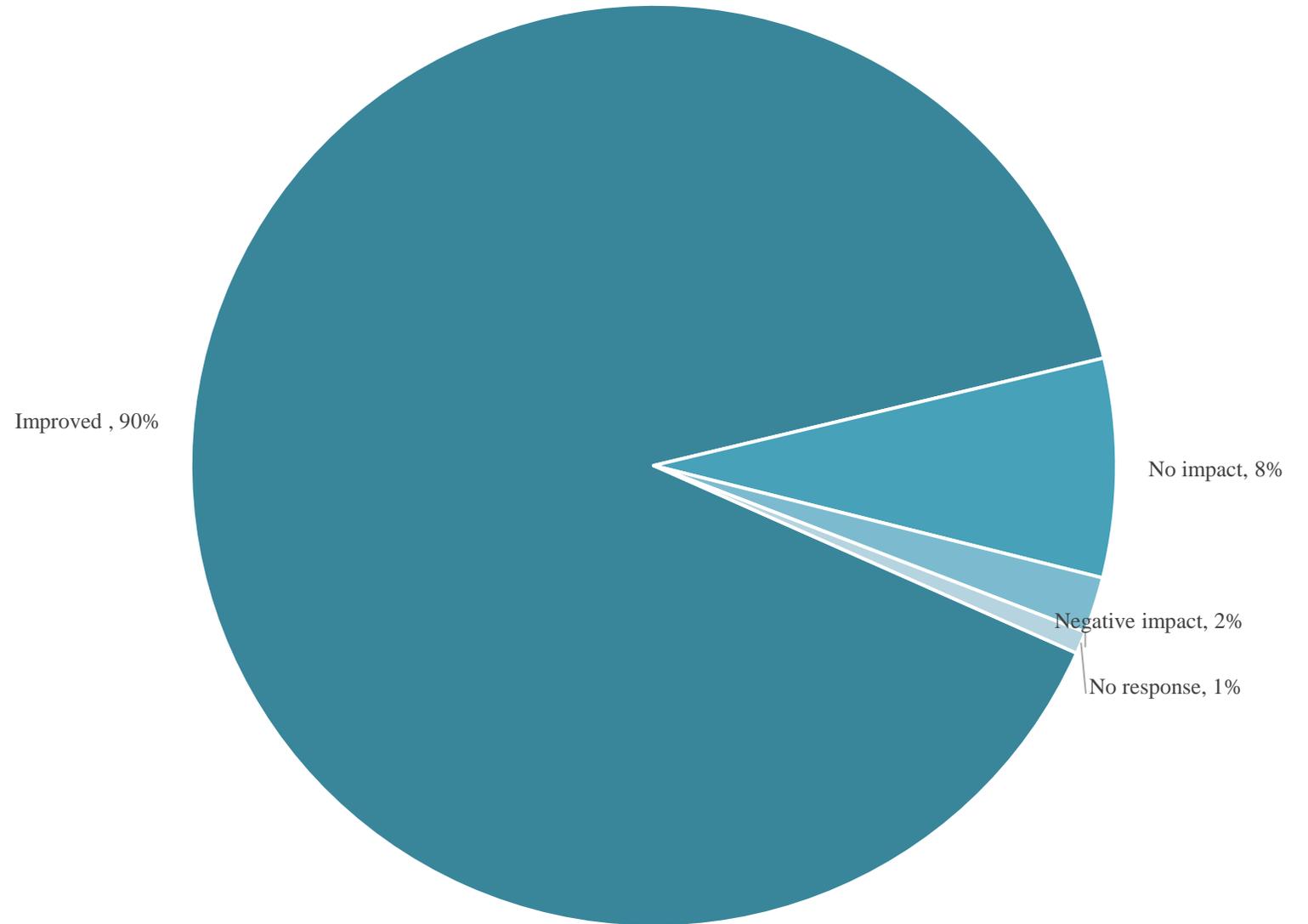
The Impact of Implementation of CPL Article 245 Motion Practice

Q10: Has implementation of CPL Article 245 impacted your motion practice?



The Impact of Implementation of CPL Article 245
Ability to Prepare for Evidentiary Hearings and/or Trial in Cases

Q11: Has the implementation of CPL Article 245 impacted your ability to prepare for evidentiary hearings and/or trial in your cases?



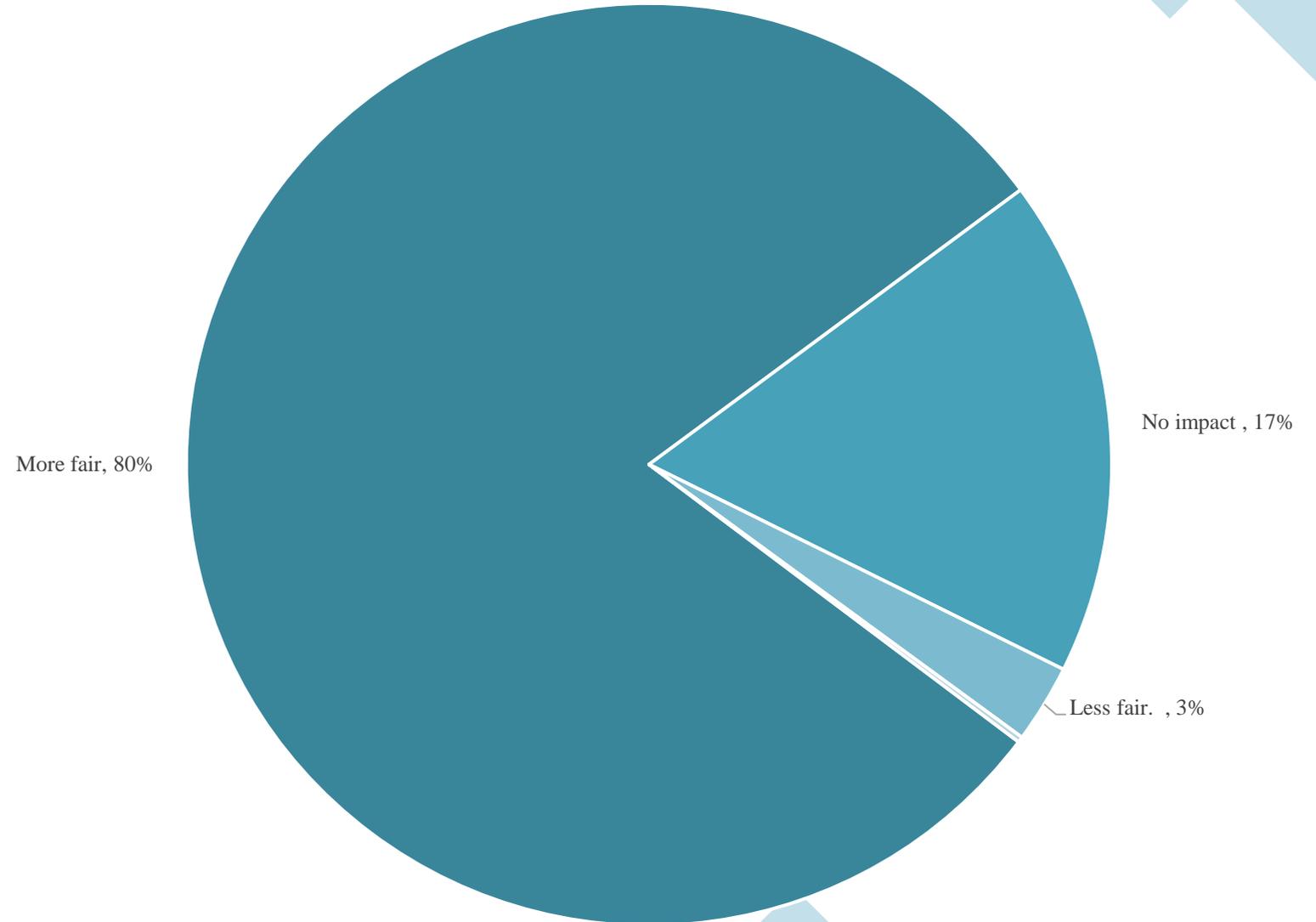
312 Attorneys

- ✓ Improved Ability to Evaluate Cases and Develop Case Strategies
- ✓ Improved Ability to Investigate Cases
- ✓ Improved Ability to Communicate Effectively with Clients
- ✓ Improved Ability to Advise Clients about the Charges, the Case Against them, and whether to Accept a Plea Offer
- ✓ Improved Ability to Negotiate with the Prosecution
- ✓ Improved Motion Practice
- ✓ Improved Ability to Prepare for Evidentiary Hearings and/or Trial in Cases

Improved Ability!!

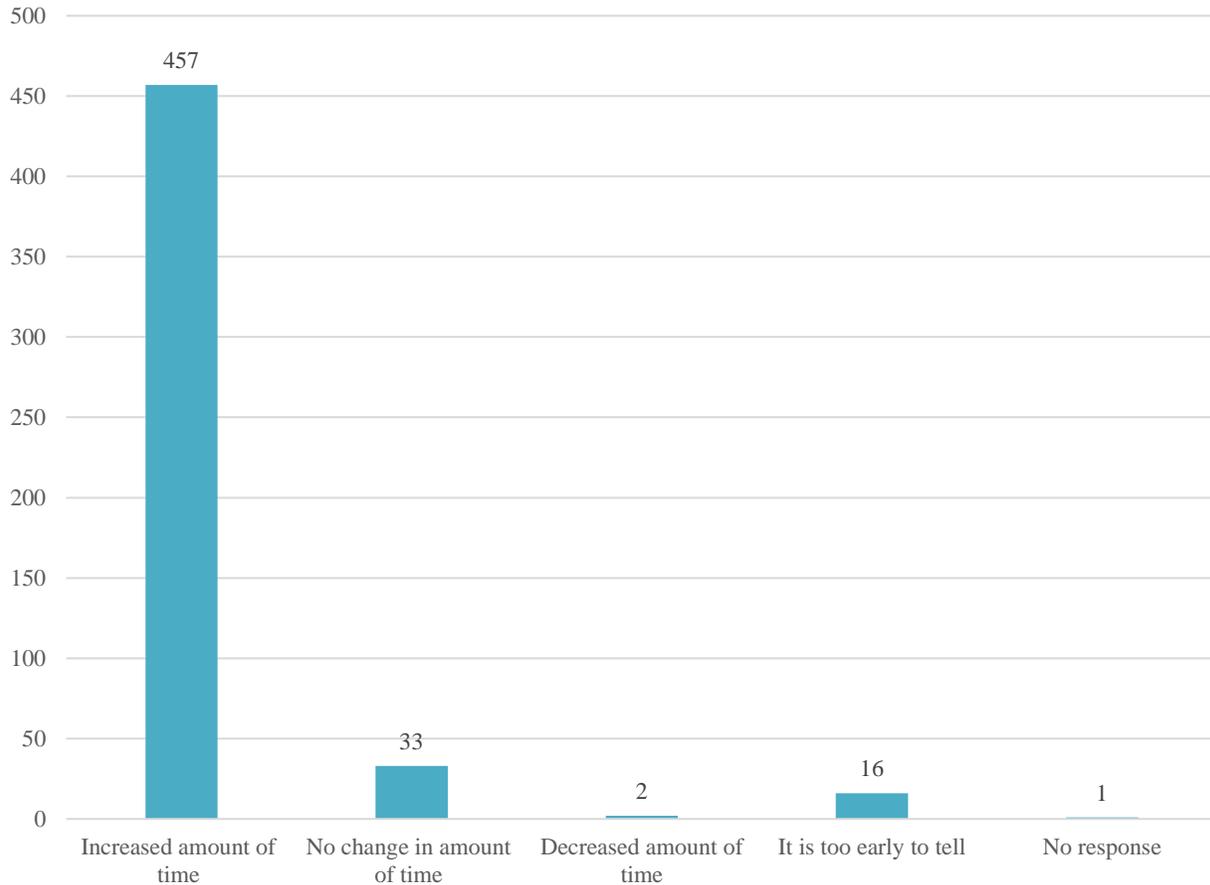
The Impact of Implementation of CPL Article 245 Fairness of Criminal Case Proceedings

Q13: Has the implementation of CPL Article 245 impacted the fairness of criminal case proceedings?



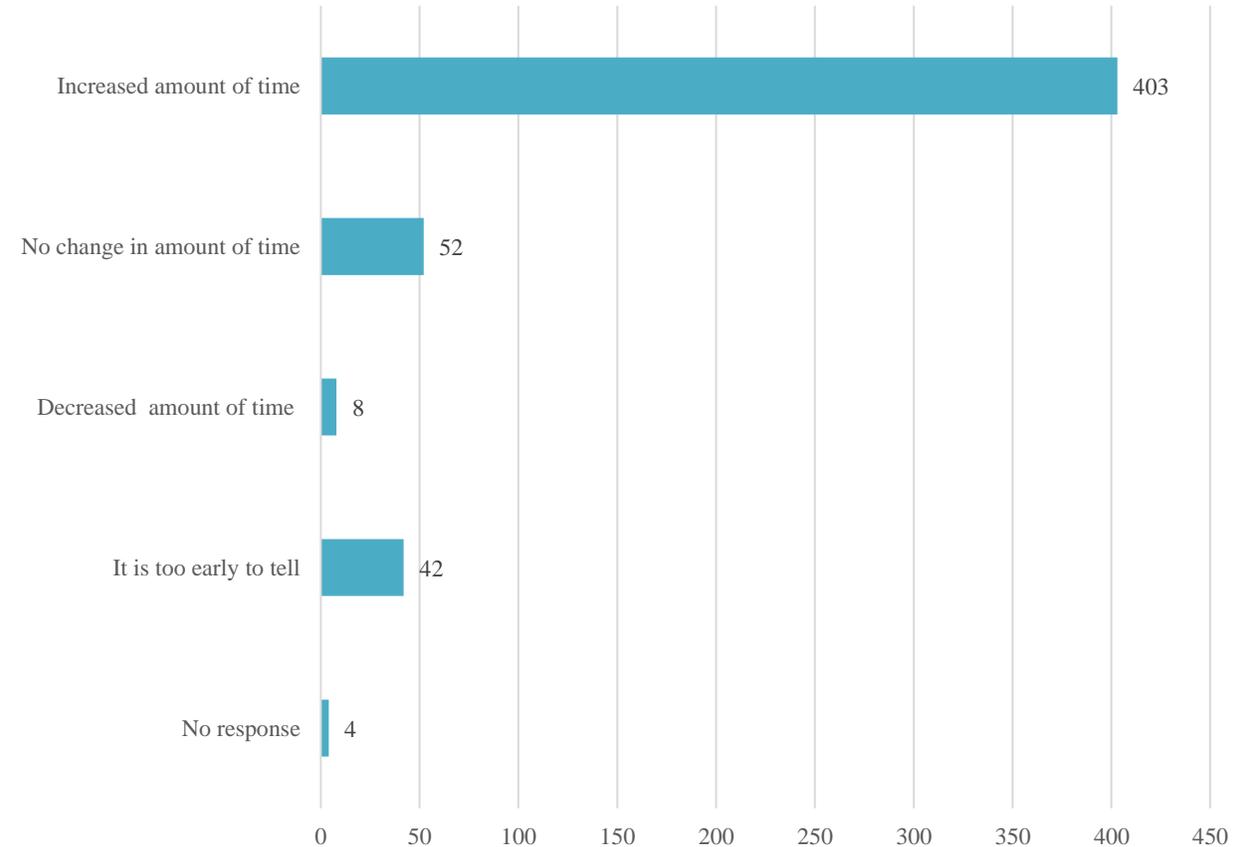
Q14: Has implementation of CPL Article 245 changed the average amount of time you spend reviewing discovery?

The Impact of Implementation of CPL Article 245
Average Amount of Time Spent on Reviewing Discovery



Q15: Has implementation of CPL Article 245 changed the total amount of time you spend on cases?

The Impact of Implementation of CPL Article 245
Total Amount of Time Spent on Cases



Questions

